

Amendment No. 1 to SB2191

Ketron
Signature of Sponsor

AMEND Senate Bill No. 2191

House Bill No. 2238*

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-6-117(b), is amended by deleting subdivisions (3) through (7) and by substituting instead the following:

(3) An informal response shall be given orally or by electronic mail whichever the person asking for an informal response requests. An oral informal response shall be verified by electronic mail only if the requestor requests such documentation. Any informal responses made by electronic mail shall be sent to the person who made the request, with a copy to the members of the commission within ten (10) days of the request being made. Each informal response made by electronic mail shall:

(A) Set forth the facts and background information of the inquiry;

(B) Cite the relevant operative statutory section or sections and the language in the section or sections on which the response is based;
and

(C) Refer to any relevant advisory opinions issued by the commission that relate to the inquiry.

(4) Informal responses shall be based on such information, the operative provisions of the cited statute and the legislative history pertaining to the statutory provisions, as evidenced by legislative committee and floor actions, discussions and debates. In addition, any informal response sent by electronic mail shall indicate whether the statute and any previous opinions are clear or unclear on the issue.

(5) If the person who requested an informal response, whether orally or by electronic mail, conforms that person's behavior to the requirements of the informal

response, then that person may rely on the commission's response as a defense if a complaint is filed against that person with the Tennessee ethics commission.

(6) Any informal response sent by electronic mail shall be subject to review or modification by the commission. Any person who disputes the informal response given by the staff employees in subdivision (b)(2) shall have the right to request a formal advisory opinion from the commission.

(7) The commission shall make and keep records of all informal responses given that were sent by electronic mail, including the name and position of the person making the inquiry, the entity, if any, on behalf of which the inquiry is made, the date of the inquiry, the person responding to the inquiry, the precise inquiry, including the facts and background information provided and the section or sections of statute involved, and the answer or response given.

(8) The commission shall compile all of the information in subdivision (b)(7), which shall include a mechanism to ascertain the responses to all inquiries about the same statutory section, so that the responses will be consistent or can be prudently revised if necessary.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.